

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

WACHOVIA BANK, N.A.,)	
)	
Plaintiff,)	
)	
v.)	1:07CV00018
)	
JAMES ROBERT ELLISON,)	
)	
Defendant.)	

MEMORANDUM OPINION and ORDER

OSTEEN, District Judge

Plaintiff Wachovia Bank of North America ("Wachovia") initiated a foreclosure action against Defendant James Robert Ellison in the Cabarrus County Superior Court (Case No. 06-SP-1179). Defendant removed the case to this court and Plaintiff successfully remanded the action. Defendant then sought reconsideration of the court's decision to remand the case to state court. The court denied his motion, finding no grounds to reverse the determination that this court lacked jurisdiction over the matter. Defendant now moves for a temporary restraining order or permanent injunction that would bar Plaintiff from proceeding with the foreclosure of his property.

I. ANALYSIS

Defendant has submitted his second motion for a temporary restraining order to this court, along with four supporting

affidavits. This court, on April 17, 2007, determined that it has no basis to assert jurisdiction over Defendant's claims, as these are matters strictly under the purview of the state courts.¹ Defendant's motion, therefore, will be denied as moot. Additionally, the court finds it necessary to inform Defendant that this legal proceeding is going to remain solely in the state court system. Any further motions involving this matter that Defendant submits to this court, therefore, will not be given consideration.

II. CONCLUSION

For the reasons stated above,

IT IS ORDERED that Defendant's Motion for Temporary Restraining Order or Permanent Injunction [34] is denied as moot.

This the 6th day of August 2007.


United States District Judge

¹ In the same opinion, the court denied as moot Defendant's first motion for a temporary restraining order.